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Attorneys for Plaintiffs and all others similarly situated

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CATHERINE GELLIS, individually and on behalf  
of all others similarly situated,

Plaintiff,

v.

VERIZON COMMUNICATIONS, INC., a  
Delaware corporation; VERIZON WIRELESS, an  
unincorporated association; CELLCO  
PARTNERSHIP, an unincorporated association;  
and DOES 1-100, inclusive,

Defendants.

Case No.: CV 07-03679 JSW

**CLASS ACTION**

**SUPPLEMENTAL JOINT CASE  
MANAGEMENT STATEMENT AND  
PROPOSED ORDER**

Hrg. Date: June 6, 2008

Time: 1:30 p.m.

Ctrm: Hon. Jeffery S. White

Pursuant to Civil L.R. 16-10(d), the parties certify that they have met and conferred and jointly submit this Supplemental Case Management Statement and Proposed Order, and request the Court to adopt it as a Supplemental Case Management Order in this case.

#### **Description of Subsequent Case Developments**

The Court held its last case management conference on February 1, 2008. The following events have occurred since then:

The parties have agreed to participate in mediation before the Hon. Edward A Infante Ret.) and under the auspices of JAMS. The mediation is scheduled for September 4, 2008, and mediation briefs are due to be lodged by August 28, 2008.

Production of documents and depositions are ongoing. Plaintiff deposed Verizon's designated Rule 30(b)(6) witness, Gregory Fong, on May 29<sup>th</sup> and anticipates taking several additional depositions.

Defendant intends to depose Ms. Gellis this summer and to file a motion for summary judgment contesting her individual claims.

#### **Proposed Scheduling Order**

In order to ensure sufficient time to complete discovery and follow-up settlement discussions after the initial mediation session, the parties propose that plaintiff's motion for class certification not be heard until late January, 2009. Because it is likely that expert testimony will be submitted in support of and in opposition to the motion, an extended briefing schedule is appropriate. The parties have agreed that defendant Verizon Wireless shall have 60 days to file its opposition to plaintiff's motion, and plaintiff shall have 30 days to file her reply.

On the basis of the foregoing, the following scheduling order is proposed:

#### **Class certification**

Plaintiff to file motion for class certification: October 10, 2008

Defendant to file opposition to motion for class certification: December 9, 2008

Plaintiff's reply brief due: January 8, 2009

Hearing on motion for class certification: January 23, 2009

1        Discovery

2        Fact discovery cut-off: June 12, 2009

3        Expert discovery cut-off: August 28, 2009

4        Dispositive motions

5        Dispositive motions to be filed: September 15, 2009

6        Hearing on dispositive motions: October 30, 2009

7        Trial

8        ~~December 2009~~

Pretrial conference: January 11, 2010 at 2:00 p.m.  
Trial: February 1, 2010 at 8:30 a.m.

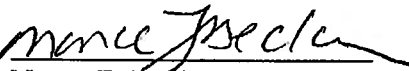
11  
12       Dated: May 30, 2008

Respectfully submitted,

CHAVEZ & GERTLER LLP

BRAYTON ♦ PURCELL LLP

15  
16       By:



Nance F. Becker

Attorneys for Plaintiff

18  
19       Dated: May 30, 2008

MUNGER TOLLES & OLSON LLP

20  
21       By:



Hejoon Hwang

  
Attorneys for Defendant

**Supplemental Case Management Order**

The Supplemental Case Management Statement and proposed Order is hereby adopted by the Court as a Supplemental Case Management Order for the case and the parties are ordered to comply with this Order. The case management conference set for June 6, 2008 is HEREBY VACATED.

Dated: June <sup>3</sup>\_\_, 2008

  
Hon. Jeffrey S. White  
U.S. District Court Judge